

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

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EPA REGION IV
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IN THE MATTER OF
STAR LAUNDRY, INC.
(d/b/a FABRA CARE, INC.)
204 South Camellia Blvd.
Fort Valley, Georgia

) EMERGENCY ADMINISTRATIVE ORDER
) PURSUANT TO SECTION 7003 (a) OF THE
) RESOURCE CONSERVATION AND RECOVERY
) ACT, 42 U.S.C. § 6973(a)

EPA ID No. GAD981 218 522

RESPONDENT

) DOCKET NUMBERS: RCRA-4-99-011

The United States Environmental Protection Agency Region 4 ("EPA") issues this Emergency Administrative Order pursuant to Section 7003 (a) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6973 (a). This authority has been delegated to the Regional Administrator of EPA Region 4.

INTRODUCTION

1. Star Laundry, Inc., d/b/a Fabra Care Dry-Cleaners (referred to as "Fabra Care" or "Respondent"), a Georgia corporation incorporated in 1981, owns and operates a dry-cleaning facility located at 204 South Camellia Blvd. in the City of Fort Valley, Peach County, Georgia.

2. Respondent (Star Laundry, Inc.) is a "person" within the meaning of RCRA Section 1004 (15), 42 U.S.C. § 6903 (15).

3. RCRA Section 1004 (15), 42 U.S.C. § 6903 (15) defines "person" as including an individual, or corporation.

4. RCRA Section 7003 (a), 42 U.S.C. § 6973 (a), specifies that when receiving evidence that the past or present handling, storage, treatment, or disposal of any solid waste may present an imminent and substantial endangerment to health or the environment, EPA may bring suit in the appropriate court against "any person" who has contributed or is contributing to such handling, storage, treatment, or disposal of the solid waste. "Any person" includes any past or present generator, or past or present owner or operator.

5. In 1980, two dry-cleaners, Star Laundry, Inc. and O.H.M. of Georgia and Florida, Inc., merged and are currently named Star Laundry, Inc., d/b/a Fabra Care (the "facility").

6. Respondent, Fabra Care, meets the definition of "person" and "any person," and has been or is now contributing to the handling, storage, treatment, or disposal of solid waste causing an imminent and substantial endangerment to health or the environment.

7. From approximately 1967 to the present, Fabra Care has occupied the facility and has used tetrachloroethylene (also known as "perchloroethylene" or "PCE") on a daily basis for the purpose of cleaning clothing.

8. Fabra Care has handled and continues to handle "hazardous waste" and/or "solid waste" within the meaning of RCRA Section 1004 (5) and (27), 42 U.S.C. § 6903 (5) and (27), at its facility located in Fort Valley, Georgia. Respondent has notified as a generator of hazardous waste, and was assigned the site-specific EPA ID No. GAD984 289 306.

9. As a result of Fabra Care's management or handling of a "hazardous waste" and/or "solid waste", Respondent has caused or has contributed to a "discharge or hazardous waste discharge" within the meaning of 40 C.F.R. 260.10.

10. Based upon evidence, EPA has determined that Respondent's handling, storage, treatment, transportation, or disposal of hazardous and/or solid waste at the facility may present an imminent and substantial endangerment to human health or the environment.

11. Pursuant to RCRA Section 7003 (a), 42 U.S.C. § 6973 (a), EPA has notified the State of Georgia of this action.

12. EPA hereby takes this action pursuant to RCRA Section 7003, having determined that the issuance of this Emergency Order is necessary to protect human health and/or the environment.

PARTIES BOUND

13. The provisions of this Emergency Order will apply to and be binding upon Respondent and its officers, employees, agents, successors, and assigns, and will apply whether or not Respondent's activities in connection with the facility have occurred while doing business by any other name, including but not limited to Fabra Care. Notice of the Emergency Order will be given to any successors in interest prior to transfer of the facility or its operations. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent, shall not excuse any failure of Respondent to fully perform the obligations under this Emergency Order.

14. Respondent shall provide a copy of this Emergency Order to any and all business organizations, contractors, or subcontractors which do business at the facility. Respondent shall provide a copy of this Emergency Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this

Emergency Order within seven (7) calendar days of the effective date of this Emergency Order, or on the date of such retention. Respondent shall condition all such contracts on compliance with the terms of this Emergency Order.

15. Respondent shall give notice to EPA at least thirty (30) calendar days prior to transfer of ownership and/or operation of the facility.

FINDINGS OF FACT

16. The Fabra Care facility is located at 204 South Camellia Boulevard, just north of College Street and south of Central Street in the City of Fort Valley, Peach County, Georgia. The Fabra Care site is located on approximately .22 of an acre of land and is rectangular in shape and relatively flat. It consists of one building for the dry-cleaning business and an asphalt parking lot that covers the majority of the area. This facility is located approximately 500 feet from Fort Valley's City well #1, approximately 600 feet from City well #2, and approximately 375 feet from City well #5, and is within the wellhead protection area of these municipal wells.

17. The Fabra Care site is approximately 13 miles from where recreational fishing occurs in the area where Bay Creek merges into Big Indian Creek. There is 8 miles of stream frontage wetlands located within 15 downstream miles of the site. The nearest wetland (approximately 50 acres, 0.5 mile frontage) is approximately 2 miles downstream from the site on Bay Creek.

18. The Fabra Care site is located within the Fort Valley Plateau District of the Coastal plain, physiographic province. The relatively flat surface of the Fabra Care Site is overlain by an asphalt parking lot with soil exposed at the rear of the facility. The soils beneath the parking lot consist of sandy clays and fine to coarse-grained sand of the Lower Paleocene Clayton formation. The Clayton formation is underlain by the Providence Sand, Providence-Ripley-Cusetta, Blufftown-Eutaw, and Tuscaloosa formations. The shallow-most aquifer is the Clayton (or "perched") aquifer which is composed of 10 to 35 feet of silty fine sand. This perched aquifer is overlain by 10 to 15 feet of soil and a sandy clay unit, and underlain by an aerially extensive but discontinuous kaolin ("clay") layer ranging in thickness from approximately 2 to 20 feet. Depth to this groundwater table is approximately 25 to 30 feet below the land surface. The deepest aquifer beneath the site is the Tuscaloosa aquifer. It occurs at a depth of approximately 250 below the land surface and is overlain by the Ripley-Blufftown-Eutaw semi-confining clay layer unit. The Tuscaloosa aquifer is the primary source of drinking water to the high capacity wells in the Fort Valley area. Most residences within 4 miles of the Fabra Care site obtain drinking water from the municipal well system operated by the City of Fort Valley Utility Commission.

19. The Tuscaloosa aquifer from which the Fort Valley municipal water supply wells draw water is an "underground source of drinking water."

20. Rainfall in the Fort Valley area infiltrates the surface and recharges the uppermost perched zone. Groundwater within this zone then travels both horizontally and vertically through

more permeable areas and into the underlying kaolin layer. The groundwater migrates downward through windows in the kaolin layer and likely follows circuitous pathways around or through the various layers of clay until it reaches the water table aquifer approximately 70 feet below the land surface.

21. Fabra Care has been in operation since 1967 and currently uses PCE. Star Laundry, Inc., d/b/a Fabra Care is a Georgia corporation which was incorporated in 1981. From approximately 1967 to February 1997, Fabra Care used an older dry-cleaning machine which used PCE. This dry-cleaning machine was located on the east side of the building, next to the wall and situated directly on the concrete floor, with no barrier surrounding it. The spent PCE was not recycled, and the method for handling and/or storage of the old filters is not known. Fabra Care's previous dry-cleaning machine was replaced in February 1997 with a newer model, and an unsealed metal-walled berm was installed around the newer machine.

22. The new dry-cleaning machine has been in use since its installation in February 1997. Currently, PCE is being reused after being filtered utilizing a refrigeration process. The spent waste filters are then placed in metal cans, stored inside the building, labeled with RCRA hazardous waste labels, and shipped off monthly to MCF Systems of Atlanta for treatment. Stains located outside of the protective berm where the metal cans are located were noted and photographed at the rear of the dry-cleaning machine during an inspection conducted by EPA Region 4 and Georgia Environmental Protection Division (herein referred to as "GA EPD") on March 25, 1998.

23. On February 8, 1991, Fabra Care Cleaners notified GA EPD of its status as a small quantity generator of F002 hazardous waste, which is defined as a spent solvent or solvent mixture containing ten (10) percent or more of one or more halogenated solvents, including PCE. Respondent was issued EPA Identification Number GAD984 289 306 as a hazardous waste generator.

24. On September 18, 1998, GAD984 289 306 was inactivated and changed to GAD981 218 522, which had been originally issued to Star Laundry on August 13, 1986. Star Laundry also changed its status to a conditionally exempt small quantity generator on July 22, 1998.

25. Since October 1997, the GA EPD has conducted soil and groundwater environmental studies within the wellhead protection area of Fort Valley's city public water supply wells, including Respondent's property at 204 South Camellia Boulevard. GA EPD's investigations detected PCE in the soil on the property of Fabra Care and in a monitoring well constructed by GA EPD in the sidewalk in front of the Fabra Care facility.

26. Data from soil sampling activities conducted by GA EPD on October 29, 1997, showed contamination by PCE in soils at the Fabra Care property. PCE is a man-made chemical that is not found naturally in the environment. One soil sample, sample 2A, was taken at the north side of the Fabra Care building immediately outside the area where the building wall was later

temporarily removed to allow replacement of the old dry-cleaning machine. The concentration of PCE in this soil sample was detected at 945 parts per billion ("ppb") at 2 to 3 feet below the land surface. Another soil sample, sample 1A, was collected on the east side of the Fabra Care building. The concentration of PCE in this soil sample was detected at a concentration of 67.3 ppb at 2 to 3 feet below the land surface.

27. Data from groundwater samples collected from the perched aquifer and the water table aquifer in monitoring wells installed and sampled by GA EPD in January 1998, and March 1998, respectively, have shown the presence of PCE contamination immediately adjacent to the Fabra Care facility. Data obtained from Well EPD-5a, the perched aquifer monitoring well, detected PCE at a concentration of 5,598 ppb, trichloroethylene ("TCE") of 130.2 ppb, and cis-1,2 dichloroethylene ("DCE") of 169 ppb. Data obtained from Well EPD-5b, the water table aquifer monitoring well, detected PCE at a concentration of 177 ppb.

28. On February 19, 1998, the property owner, Mary Carter, filed a Release Notification Form with the Hazardous Site Program of the GA EPD for the Star Laundry, Inc., facility. The Notification indicated that a release of PCE to the soil exceeding the Notification concentration specified in Appendix I of the Georgia Rules for Hazardous Site Response had occurred at the facility. On July 20, 1998, and again on August 31, 1998, Respondent filed Supplemental Notifications that a release of PCE to groundwater in excess of its background concentration had occurred at the facility.

29. In July 1998, a soil and groundwater sampling investigation was conducted at the Fabra Care site by the EPA Region 4, Science and Ecosystem Support Division ("SESD"). Soil and groundwater samples were collected at several locations located on the Fabra Care property, confirming the GA EPD sampling results of contamination by PCE.

30. Soil sample SF001A detected PCE at a concentration of 78 ppb in the surface sample from borehole #001 located behind the Fabra Care building. Soil sample SF002A detected PCE at a concentration of 3,000 ppb in the surface sample from borehole #002 located on the southern side of the Fabra Care building. PCE was also detected at a concentration of 57 ppb from 5 to 5.5 feet below the surface in this same borehole. Soil sample SF004A detected PCE at a concentration of 30,000 ppb in the surface sample from borehole #004 located on the northern side of the Fabra Care building. Additional soil samples were collected from boreholes drilled along the property boundary area of Fabra Care. Along the northern property boundary of Fabra Care, PCE was detected at 950 ppb from 30 to 30.5 feet below the land surface in borehole #003 and 1,200 ppb from the surface soil sample in borehole #005. Borehole #006, located west of the building, contained the highest concentrations of PCE, ranging from 300,000 ppb at the surface to 1,200 ppb at 30 to 30.5 feet below the land surface.

31. Groundwater sample GW003, collected from borehole #003, contained PCE at a concentration of 5,000 ppb. Groundwater samples GW005 and GW006, collected from boreholes #005 and #006, contained PCE at concentrations of 1,300 ppb and 10,000 ppb,

respectively. An additional groundwater sample, sample EPD 5A, was collected by EPA from the existing GA EPD well, located east of the facility on the sidewalk in front of Fabra Care. PCE was detected in this groundwater sample at a concentration of 8,900 ppb.

32. The City of Fort Valley Utility Commission operates a public water supply system consisting of five (5) city wells and two (2) treatment plants which service approximately 10,000 individuals. The City water supply wells #1, #2, and #5 are 478, 488, and 605 feet deep, respectively, and are located near the center of the downtown Fort Valley area. The well screens for City wells #1, #2, and #5 are located within the Tuscaloosa aquifer. City wells #1 and #2 are hydraulically interconnected with the shallower water table aquifer and draw water, when operational, from both the shallower water table and Tuscaloosa aquifer. City well #5 water withdrawal is restricted to the Tuscaloosa aquifer. The gravel-pack placed outside the well casings and screens in City well #1 and #2 extends to a much shallower depth than in City well #5. City wells #3 and #4 are located in the southwest portion of Fort Valley.

33. The two municipal water supply wells (Well # 1 and Well #2) are located within 600 feet of the Fabra Care facility and are currently shut down due to contamination from PCE.

34. The City of Fort Valley Utility Commission shut down municipal City wells #1 and #2 on August 8, 1996, as a precautionary measure after PCE was detected in the untreated well water from both wells on July 18, 1996. Testing conducted by the City of Fort Valley Utility Commission and GA EPD identified the presence of PCE contamination in City wells #1 and #2 since mid-1996. City well #1 showed concentrations of PCE ranging from 1 to 3 ppb, while City well #2 ranged in concentrations of PCE from 1 to 16 ppb.

35. Testing by the City of Fort Valley Utility Commission on January 15, 1998, identified the presence of PCE at a concentration of 5.3 ppb in City well # 5, which is also screened in the Tuscaloosa aquifer, and located near the Fabra Care facility.

36. The current peak demand of the Fort Valley municipal water system is two to four million gallons per day. A loss of City well #5 would prevent the City of Fort Valley Utility Commission from meeting the current normal requirements of its customers.

37. The pre-treatment ("raw water") levels of PCE contamination in the public water supply aquifer has reached 3 ppb in the raw water of City well #1 and 16 ppb in the raw water of City well #2. The level of PCE contamination in the public water supply aquifer has reached 5.3 ppb in the raw water of City well #5.

38. The GA EPD developed an EPA-approved Wellhead Protection Program ("WHPP") and conducted records review for the five (5) Fort Valley City wells in December 1996. The WHPP is developed in accordance with the "Rules for Wellhead Protection," Georgia Rules for Safe Drinking Water, Chapter 391-3-5, and is a document used for public water supply wells that are owned by cities, counties, and authorities, and is based on readily observable, potential

sources of groundwater pollution which may enter the zone of influence during pumping activities. According to the WHPP, the most likely sources of PCE contamination for Fort Valley City wells #1, #2, and #5 include the Fabra Care facility, based upon location and operations.

39. A number of subsurface studies have been conducted in the Fort Valley area as part of remedial investigations at a nearby Superfund site. GA EPD conducted a Phase I hydrogeologic investigation, dated September 12, 1997, which focused on evaluating groundwater quality and flow characteristics and PCE transport in the perched zone and the water table, which constitutes the upper limit of the water table aquifer.

40. As presented in the August 19, 1998, Emergency Order issued by GA EPD to Fabra Care Cleaners, GA EPD has concluded that a plume of PCE that is dissolved in groundwater exists below the facility and extends down gradient at the water table, which is approximately 100 feet deep and constitutes the top of the water table aquifer. The portion of the plume exhibiting the greatest concentrations of PCE is located immediately down gradient of Fabra Care Cleaners. Since Fabra Care Cleaners has used and continues to use PCE in its daily operations, it is considered a prime location for PCE, either dissolved or free product, to migrate down into the perched zone and then move laterally in the kaolin clay layer before encountering a conductive pathway through the kaolin layer and then migrate downward to the water table. The water in the perched zone tends to flow in a southeasterly and westerly direction away from Fabra Care and then moves laterally along the contact of the kaolin clay layer with the overlying formation material before encountering a conductive pathway through the kaolin layer.

41. The PCE plume and the Fabra Care Site are situated within the WHPP area as defined by the locations of City wells #1, #2, and #5. The WHPP includes a calculation of the outer management zone (radius of influence/draw-down area) for each well during active pumping. The outer management area calculated for City well #1 is a 1,055 foot radius, while City wells #2 and #5 are 985 and 1,490 feet, respectively.

42. The vertical hydraulic gradients of the underlying Tuscaloosa formation in this area appear to be downward. The clay layer at the top of the Tuscaloosa formation appears to be continuous enough to lengthen contaminant travel time and inhibit transmission of contamination at or near the surface of the Tuscaloosa formation. The thinness of this clay suggests little likelihood of the clay to serve as a dependable continuous confining unit as indicated in the well logs of various well locations (i.e. 10 to 20 feet thick). Therefore, the clay cannot be regarded as a true confining unit but locally may serve as a pathway for shallow contamination to reach City well #5.

43. The radius of influence from active pumping and continued high-volume pumpage from the drinking water aquifer at the upgradient City well #5 is potentially drawing PCE contaminated groundwater into the aquifer and is exacerbating the spread of PCE contamination.

44. PCE is a man-made chemical that is not found naturally in the environment. It is a colorless liquid that evaporates quickly, but degrades very slowly in water. If placed in soil, it can percolate into groundwater. PCE is a hazardous waste under RCRA, and identified by the EPA hazardous waste code F002/D039, as described in 40 C.F.R. Part 261. Its effects on humans, as a result of ingestion or inhalation, range from nausea, sleep disorders, and amnesia in low concentrations, to death at high concentrations. TCE, cis 1,2-DCE, and eventually vinyl chlorides are some of the typical products of biodegradation of PCE in the subsurface.

45. The Safe Drinking Water Act requires EPA to publish maximum contaminant level goals ("MCLG's") for contaminants which, in the judgment of the Administrator, may have an adverse effect on the health of persons and which are known or anticipated to occur in public water systems. MCLG's are to be set at a level at which no known or anticipated adverse effects on the health of persons would occur and which allow a margin of safety (See 40 C.F.R. § 141). At the same time EPA publishes an MCLG, it must also promulgate a National Primary Drinking Water Regulation ("NPDWR") which includes either (1) an MCL, or (2) a required treatment technique. An MCL must be set as close to the MCLG as feasible. Under the SDWA, "feasible" means feasibly with the use of the best technology, treatment techniques, and other means which the Administrator finds are available. EPA also evaluates the health risks that are associated with various contaminant levels in order to ensure that the MCL adequately protects public health.

46. EPA has determined that PCE is a health concern at certain levels of exposure in drinking water. This chemical is commonly used in the dry-cleaning industry and generally gets into drinking water by improper waste disposal via spills, leaks, and unauthorized dumping activities. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetime. Chemicals that cause cancer in laboratory animals also may cause cancer in humans who are exposed over long periods of time. PCE is classified by EPA as a possible/probable human carcinogen (Class C/B₂ carcinogens). Also, PCE has been shown to cause liver damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals which cause adverse health effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the MCLG for PCE at zero (0) because it is considered a possible/probable carcinogen. Since an MCLG of zero cannot be measured or attained, EPA has set the MCL for PCE at 5 ppb to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is considered safe.

47. The MCL for PCE represents the maximum permissible level of PCE in water which is delivered to any user of a public water system. EPA is using the MCL for PCE as a guideline to determine the safe level of PCE for private drinking water wells.

48. On August 19, 1998, GA EPD issued an Emergency Order against Fabra Care Cleaners. The Order was issued in response to contamination of the City of Fort Valley's

drinking water supply wells which presents an imminent and substantial danger to the City's water supply for public use.

49. The Emergency Order was amended on September 29, 1998, to add Jeff Carter as President, and Mary Cater as the property owner.

50. An administrative hearing was conducted on October 8 and 9, 1998, at the Office of State Administrative Hearings between the Department of Natural Resources, Environmental Protection Division, Star Laundry, Inc., and Jeff Carter. The case against Mary Carter was severed for another hearing at a later date.

51. On January 7, 1999, the Office of State Administrative Hearings rendered a final decision indicating that the amended Emergency Order was affirmed with the exceptions that GA EPD was authorized to issue the amended Emergency Order solely to Respondent, Star Laundry, Inc., and that time-frame modifications for completion of the Order were to be revised. The amended Emergency Order final decision was appealed by Mr. Jeff Carter.

52. On April 2, 1999, the Superior Court of Houston County, State of Georgia, remanded for reconsideration the Emergency Order issued by GA EPD to Fabra Care.

53. The City of Fort Valley Utility Commission is currently on line to install three replacement municipal wells (City wells #6, #7, and #8) in the western area of Fort Valley. One well (City well #6) will be on line and operational around the end of July or early August 1999. The other two wells are proposed to be completed early to mid August 1999 (City well #7), and mid to late December 1999 (City well #8).

54. There are known City water supply wells within the vicinity of the Fabra Care Site which have PCE contamination. However, there may also be unknown residential wells within the vicinity of the Fabra Care Site which have PCE contamination.

55. It is unknown how long the Fort Valley drinking water distribution system can remain in compliance with the federal standards for MCL's. No information exists concerning the possible PCE removal capabilities of the system. This drinking water distribution system was not designed nor is it operated for the removal of PCE or other volatile constituents.

CONCLUSIONS OF LAW

56. Based upon the foregoing Findings of Fact and the Administrative Record supporting this Emergency Order, EPA hereby concludes that:

57. Respondent is a "person" within the meaning of RCRA Section 1004 (15), 42 U.S.C. § 6903 (15).

58. Tetrachloroethylene ("PCE"), Trichloroethylene ("TCE"), cis-1,2 dichloroethylene

("cis 1,2-DCE") and Vinyl Chloride are "hazardous wastes" and/or "solid wastes" within the meaning of RCRA Section 1004(5) and (27), 42 U.S.C. § 6903(5) and (27).

DETERMINATIONS

Based on the above findings of Fact and Conclusions of Law, Director of the Waste Management Division, EPA Region 4, has made the following determinations:

59. Respondent has handled and continues to handle "hazardous waste" and/or "solid waste" within the meaning of RCRA Section 1004(5) and (27), 42 U.S.C. § 6903(5) and (27), at its facility located in Fort Valley, Georgia.

60. Based upon evidence received, EPA has determined that Respondent's handling, storage, treatment, or disposal of any solid and/or hazardous waste at the facility may present an imminent and substantial endangerment to health or the environment.

61. Pursuant to RCRA Section 7003 (a), 42 U.S.C. § 6973 (a), EPA has fully consulted with the State of Georgia and local government regarding this endangerment. After unsuccessfully attempting to compel the Respondent to address the contamination, the State has requested that EPA exercise its authority under RCRA to expeditiously abate the endangerment. EPA has consulted fully with the State on the correctness of the information upon which this Order is based and to determine the specific nature of the actions taken by the State.

62. No cleanup or remedial activities have been undertaken at Fabra Care. The PCE and its breakdown products and/or additives continue to contaminate the Tuscaloosa aquifer.

ORDER

63. As a result of the above Findings of Fact and Conclusions of Law, and pursuant to the authority in Section 7003 of RCRA, 42 U.S.C. § 6973, EPA has determined that the activities required by this Order are necessary to protect human health and/or the environment; thus, EPA hereby orders Respondent to perform the work as specified in this Order, once approved, or modified and approved by EPA, in the manner and by the dates specified herein as follows:

64. Immediately upon receipt of this Order, and at all times thereafter, Respondent shall cease and/or discontinue any management practices responsible for the release of hazardous waste constituents to the environment and comply with all other applicable requirements of RCRA, and the regulations promulgated therein (40 C.F.R. Parts 260 through 270, 279).

65. Within ten (10) calendar days of the effective date of this Order, Respondent shall notify EPA in writing of their intent to comply with said Order, whether in its entirety or portions thereof. Failure to provide such notice shall be deemed failure to comply with the terms of this Order.

66. Within fifteen (15) calendar days of receipt of this Order, the Respondent shall prepare and submit to EPA a contingency plan, developed in conjunction with the Fort Valley Utility Commission, to address any temporary shortfall in water supply and include provisions of alternative source(s) of water for the City as a result of the contamination in the water supply wells. 10/4

67. If there is a temporary shortfall in water supply, as determined by EPA or the City of Fort Valley Utility Commission, Respondent shall immediately implement the contingency plan upon notification from EPA. Respondent shall bear the cost of developing the plan and provide an alternative source of safe water.

68. Within sixty (60) calendar days of receipt of this Order, the Respondent shall prepare and submit to EPA a plan to ensure a long-term remedy for the replacement of any volume and quantity of water which has been or may be lost by the City of Fort Valley as a result of the presence of PCE contamination in the City's water supply wells.

69. Within thirty (30) calendar days of the effective date of this Order, Respondent shall initiate a well survey which identifies the location of all domestic water supply wells within a radius of two miles of the facility. The well survey shall include the following information: 10/10

794 (1) → A. The location of each residence or commercial establishment within the above-referenced area, listed by street address, name of the property owner, and any current tenant and a legal description for each property surveyed.

B. For each location surveyed, determine whether domestic water supply wells are present. For the purposes of this survey, a well will be considered present if there is evidence of a borehole completed within the shallow aquifer on the property which has not been properly abandoned. For those locations where no wells are considered to be present, provide documentation supporting this determination, including records showing the period of time that the property has been connected to the City of Fort Valley water supply system.

C. For properties where domestic water supply wells are present, provide details regarding the total depth and diameter of the well, and materials of construction, if available.

D. For properties where domestic water supply wells exist, provide details of current uses of each well. Interview residents and occupants at each such location to gather information relating to any and all such well uses, including, but not limited to the following:

- (1) Whether well water is used for consumption. For purpose of this survey, consumption includes the use of well water for drinking, cooking or other forms of

food preparation/processing, bathing or showering, and swimming.

(2) Whether well water is used for irrigation. For the purposes of this survey, irrigation shall include all outdoor uses of well water at each property, excluding consumption.

(3) Where well water is used for either consumption or irrigation, provide details regarding its use, including the frequency of use and an estimate of the quantity of water associated with each use, calculated on a daily basis. In particular, provide information detailing whether children reside or have occasion to visit at these locations. If they are visiting, include information regarding the frequency and duration of the visits.

(4) For those locations where residents or occupants have the option of using city water or well water, describe the connection which permits such an option, and identify which source of water supply is used for either consumption or irrigation.

(5) Where well water is not used at these locations for either consumption or irrigation, the survey shall provide evidence to document that the uses are prohibited due to disconnection, and specify the dates on which such disconnection occurred. This documentation shall be sufficient to demonstrate that any such disconnection eliminates the potential use of the well for consumption or irrigation and prevents cross-connection to the City of Fort Valley water supply system. Provide records showing connection to the City of Fort Valley water supply system to further document a finding of no current use of consumption for each property surveyed. For those properties connected to city water, indicate whether this connection was provided by Respondent on behalf of the property owner, and the terms of any such arrangements.

70. Within sixty (60) calendar days of the effective date of this Order, Respondent shall submit a "Well Survey Report" to EPA, which documents the activities conducted and information obtained. This report shall include a map showing each existing domestic water supply well located in the survey. EPA will review this report and provide direction to Respondent regarding the sampling and analyses of domestic water supply wells within the defined area.

71. Within thirty (30) calendar days of such notification by EPA, Respondent shall initiate the sampling and laboratory analyses of certain domestic water supply wells within the defined area, as identified by EPA. Respondent shall report the results of these analyses to EPA within thirty (30) calendar days of sample collection. If concentrations are detected at or above appropriate health-based levels as determined by EPA, Respondent shall supply an acceptable alternate supply of drinking water to all adversely impacted parties.

Δ to 45 days

72. Within forty-five (45) calendar days of receipt of this Order, Respondent shall prepare and submit to EPA for approval a Characterization Work Plan (the "CWP") to characterize the magnitude and full extent, both vertical and horizontal, of all contamination of soils and groundwater on and from the Respondent's facility and to assess the physical integrity of all waste management units and devices. The CWP shall be prepared by an engineer or geologist registered to practice in Georgia.

A. For the purposes of this Order, Contamination shall mean: any measurable levels of tetrachloroethene (PCE), trichloroethene (TCE), cis and trans-1,2-dichloroethene (cis and trans 1,2-DCE), vinyl chloride and any of their breakdown products and/or additives such as ethene, methane, ethane, propane, propene, Freon 113, trimethylbenzene isomers, 1,4-dioxane, chloride, and/or the metals manganese, and arsenic.

73. The CWP shall include, but not be limited to, a thorough description of procedures and schedules needed to accomplish the following:

A. Integrity Assessment - an assessment of the physical integrity of all containers, tanks, pipelines, or other devices or equipment used to transfer or contain solid waste or hazardous materials.

B. Groundwater Contamination - an investigation and characterization of all contaminant plumes at and from the facility and the relation and impact of each plume to the localized groundwater regime. This investigation shall, at a minimum, provide the following information:

- (1) A description of the horizontal and vertical extent of any non dissolved or dissolved plume(s) at and from the facility;
- (2) The horizontal and vertical direction of and an evaluation of factors influencing plume movement;
- (3) A discussion of hydrogeology for the area, including a map to scale showing the water table gradient;
- (4) The velocity of contaminant movement;
- (5) The horizontal and vertical concentration profiles of contaminants in the plume(s);
- (6) An extrapolation of future contaminant movement;
- (7) A description of all existing and proposed groundwater monitoring wells, including a map to scale identifying well location and construction details for each

well installed as of the date of the CWP;

(8) A map to scale showing each permitted and unpermitted well within two (2) miles down gradient of the facility and one half mile up gradient of the facility;

(9) A list of the names and addresses of each well user within the boundary indicated in item (8) above, the well depth, the use of water extracted by the well, installation date, and identification of any abandoned wells replaced by such well; and

(10) An evaluation of the current and future impact of groundwater contamination on down gradient permitted and unpermitted wells used for domestic or agricultural purposes.

C. Soil Contamination - Respondent shall investigate and characterize all contamination of soil and rock units above the lower confining layer. The investigation shall provide the following information:

(1) A description of the vertical and horizontal extent of contamination;

(2) A description of contaminant and soil chemical properties within the contaminant source area and plume, including contaminant solubility, speciation, adsorption, leachability, exchange capacity, biodegradability, hydrolysis, photolysis, oxidation, and other factors that might affect contaminant migration and transformation;

(3) Specific contaminant concentrations;

(4) The velocity and direction of contaminant movement within the soil, including any stratification; and

(5) An extrapolation of future contaminant movement in the soil.

D. Surface Water and Sediment Contamination - Respondent shall investigate and characterize any contamination of surface water bodies and sediments resulting from contaminant releases at the facility. The investigation shall include, but not be limited to, the following information:

(1) A description, including locations, of any potentially impacted surface waters, surface drainage patterns, and the extent of contamination in the underlying sediments;

(2) The horizontal and vertical direction of contaminant movement;

- (3) The contaminant velocity;
- (4) An evaluation of the physical, biological, and chemical factors influencing contaminant movement;
- (5) An extrapolation of future contaminant movement; and
- (6) A description of the chemistry of any contaminated surface waters and sediments, including determining, at a minimum, the pH, total dissolved solids, and specific contaminant concentrations.

E. CWP Administrative Requirements - The CWP shall also include:

- (1) A timetable for performing the characterization including, but not limited to milestones, the procurement of contracts, capital equipment, and commencement of operations;
- (2) A timetable for implementation of the following plans as described in the May 1994 RCRA Corrective Action Plan (OSWER Directive 9902.3-2a):
 - (a) Project Management Plan;
 - (b) Quality Assurance Project Plan;
 - (c) Data Management Plan;
 - (d) Health and Safety Plan; and
 - (e) Public Involvement Plan.

75. EPA shall notify Respondent in writing of any comments it may have on the CWP which must be incorporated into the CWP before it can be approved.

76. Respondent must incorporate EPA's comments into the CWP and resubmit the CWP to EPA within fifteen (15) calendar days of receipt of EPA's comments.

77. If Respondent fails to timely incorporate EPA's comments and resubmit the Plan, EPA will either approve the CWP as submitted, approve with modifications, or disapprove the CWP as submitted.

78. If Respondent does not submit a CWP by the final submittal date which is approved by EPA, or if the CWP is disapproved, Respondent shall be in violation of this Order as of the final submittal date.

79. Within fifteen (15) calendar days of receipt of EPA's written approval or approval with modification, Respondent shall begin implementation of the CWP in accordance with the procedures and schedules contained in the CWP as approved.

80. Within thirty (30) calendar days of completion of implementation of the CWP, Respondent shall submit a written report (the "Characterization Report") detailing the findings from completion of the CWP.

81. EPA will determine whether the CWP has been fully implemented and whether the extent of contamination has been adequately characterized and inform Respondent of its determination in writing.

82. If EPA determines that additional characterization work is necessary, EPA will inform Respondent of such additional requirements, and Respondent shall conduct such characterization according to EPA directions.

83. Within forty-five (45) calendar days of receipt of EPA's written determination that the contamination has been adequately characterized, Respondent shall submit a Clean-Up Work Plan (the "Clean-Up Plan") to EPA for approval that addresses the removal, treatment, and disposition of all contaminated media, including contaminated soils, groundwater, and other materials and debris with clear performance standards. The Clean-Up Plan shall be prepared by an engineer or geologist registered to practice in Georgia.

84. The Clean-Up Plan shall select and design suitable measures for the remediation of contamination at the facility, including any contamination found to have migrated beyond the boundaries of the facility.

85. The Clean-up Plan shall also provide for the management of all contaminated media at the site which exceed any hazardous waste characteristic, as defined in 40 C.F.R. Part 261. Any waste which is not determined to be hazardous shall be managed in accordance with all applicable federal, state, and local laws.

86. The Clean-Up Plan shall include proposed performance standards and the justification therefore.

87. EPA shall notify Respondent in writing of any comments it may have on the Clean-Up Plan, which must be incorporated into the Clean-Up Plan before it can be approved.

88. Respondent must incorporate EPA's comments into the Clean-Up Plan and resubmit it to EPA within fifteen (15) calendar days of receipt of EPA's comments.

89. If Respondent fails to timely incorporate EPA's comments into the Clean-Up Plan, EPA will either approve the Clean-Up Plan as submitted, approve with modifications, or

disapprove the Clean-Up Plan as submitted.

90. EPA shall notify Respondent in writing of its approval, approval with modification, or disapproval of the Clean-Up Plan.

91. If Respondent does not submit a Clean-Up Plan by the final submittal date which is approved by EPA, or if the Clean-Up Plan is disapproved, Respondent shall be in violation of this Order as of the required final submittal date.

92. Within fifteen (15) days of EPA notification regarding the Clean-Up Plan, Respondent shall begin implementation of the Clean-Up Plan as approved by EPA in accordance with the procedures and schedules contained in such Clean-Up Plan.

93. All work undertaken pursuant to this Order shall be performed in accordance with the EPA-approved terms and schedules, and in a manner consistent with EPA's Environmental Investigations Standard Operating Procedure and Quality Assurance Manual.

94. All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or geologist with expertise in hazardous waste cleanup and/or corrective action. Respondents' contractors or consultants shall have technical expertise sufficient to adequately perform all aspects of the work for which it is responsible. Within fifteen (15) calendar days of the effective date of this Order, Respondent shall notify the EPA Project Coordinator in writing of the name, title, and qualifications of the engineer or geologist, and of any other contractors or consultants and their personnel, to be used in carrying out the terms of this Order. Respondent shall demonstrate to EPA that each proposed contractor possesses all appropriate qualifications. EPA reserves the right to disapprove of any engineer or other professional selected by Respondent.

GENERAL PROVISIONS

95. All plans and documents submitted under any section of this Order shall, upon approval by EPA, be incorporated by reference into this Order as if set forth fully herein.

96. Within fifteen (15) calendar days of the effective date of this Order, Respondent shall designate a Project Coordinator and shall notify EPA in writing of the selected Project Coordinator. EPA Region 4 will also designate a Project Coordinator, as identified below. The EPA Project Coordinator will be EPA's designated representative for the facility. All communications between Respondent and EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to this Order, shall be directed to the Project Coordinator.

The EPA Project Coordinator is:

Edmond J. Burks, RCRA Project Coordinator
South Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch
Waste Management Division
U.S. EPA, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

97. EPA will provide written notice to Respondent of any change in the EPA Region 4 Project Coordinators for the facility.

98. Respondent shall provide written notice within ten (10) calendar days to EPA prior to changing its Project Coordinator, Professional Engineers/Geologists, and/or Contractors/Subcontractors.

SUBMITTALS

99. Two (2) copies of all documents, reports, work plans, and/or notices submitted pursuant to this Order shall be hand delivered, sent by certified mail (return receipt requested), sent by overnight certified express mail, or sent by overnight delivery service to the EPA Region 4 Project Coordinator identified in paragraph 96 and/or to other addressees she or he designates, unless otherwise specified by EPA. Each submittal shall include reference to the docket numbers as shown on the first page of this Order.

100. Two (2) copies of all documents, reports, work plans, and/or notices submitted pursuant to this Order shall be hand delivered, sent by certified mail (return receipt requested), sent by overnight express mail, or sent by overnight delivery service to the State, unless otherwise specified by the State, at the following address:

Jennifer R. Kaduck, Chief
Hazardous Waste Management Branch
Environmental Protection Division
Department of Natural Resources
205 Butler St., SE, 1154 East
Atlanta, Georgia 30334

101. Any report, work plan, notice, or other document submitted by Respondent pursuant to this Order, which makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Order, shall be certified by a responsible officer of Respondent.

102. The certification required by paragraph 101 above, shall be in the following form:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to evaluate the information submitted. I certify that the information contained in or accompanying this submittal is true, accurate, and complete. As to those identified portion(s) of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall also include the name, title, date, and signature of the person or persons completing the certification.

EPA APPROVALS

103. EPA will provide Respondent with its written approval, approval with conditions and/or modifications, or disapproval for any work plan, report (except progress reports), specification, or schedule submitted pursuant to or required by this Order.

104. Respondent shall revise any work plan, report, specification, or schedule in accordance with EPA's written comments within fifteen (15) calendar days of Respondent's receipt of EPA's written comments unless EPA has specified an alternative due date, in which case Respondent shall submit to EPA any revised work plan, report, specification, or schedule in accordance with the due date specified by EPA. Revised submittals are also subject to EPA approval, approval with conditions and/or modifications, or disapproval.

105. Upon receipt of EPA's written approval, Respondent shall commence work and implement any approved work plan in accordance with the schedule and provisions contained therein. If no schedule is contained in an approved work plan, then Respondent shall commence work and implementation of the work plan within fifteen (15) calendar days of receipt of EPA's written approval of the work plan.

106. Any EPA-approved report, work plan, specification, or schedule shall be incorporated by reference into this Order as if set forth fully herein. Prior to EPA's written approval, no work plan, report, specification, or schedule shall be construed as approved and final. Oral advice, suggestions, or comments given by EPA representatives will not constitute an official approval, nor shall any oral approval or oral assurance of approval be considered binding.

107. Noncompliance with reports, work plans, specifications, schedules, and attachments approved by EPA pursuant to this Order shall be considered a violation of the requirements of this

Order and shall subject Respondent to the statutory penalty provisions and enforcement actions pursuant to Section 7003(b) of RCRA, 42 U.S.C. § 6973(b), and any other applicable sanctions.

108. Any changes or modifications proposed by Respondent to the EPA-approved plans and timetables required by this Order must be approved or may be modified and approved by EPA prior to implementation.

EMERGENCY ACTION

109. In the event that Respondent identifies a threat to health or the environment at the facility at any time during the implementation of this Order which warrants more immediate action than pursuant to any work plan or other requirement of this Order, or warrants action before an otherwise applicable plan is approved, Respondent shall provide oral notification to the EPA Project Coordinator within twenty-four (24) hours of discovery and notify both EPA and the State in writing within ten (10) calendar days of such discovery, summarizing the nature, immediacy, and magnitude of such threat(s).

110. Proper notification, as required in this Section, does not relieve Respondent of any other notification responsibility Respondent may have under any other law, including, but not limited to, Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, or Section 304 of the Emergency Planning and Community Right to Know Act, as amended.

111. If EPA determines that immediate action is required, the EPA Project Coordinator may orally authorize and require Respondent to take actions to abate the threat prior to approval of any plan, or in addition to a plan after approval.

112. If EPA or any other federal, State, or local agency identifies such a threat at the facility at any time during implementation of this Order, EPA will notify Respondent orally and in writing. If EPA determines that immediate action is required, the EPA Project Coordinator may orally authorize and require Respondent to take actions to abate the threat prior to approval of a plan, or in addition to a plan after approval.

[113. Any requirements made pursuant to this Section shall be immediately incorporated into this Order by reference and are immediately enforceable.

ADDITIONAL WORK

114. EPA may determine or Respondent may propose that certain tasks, including investigatory work, engineering evaluation, or procedure/methodology modifications, are necessary in addition to or in lieu of the tasks included in any EPA-approved work plan, to meet the purposes set forth in this Order. EPA may determine that Respondent shall perform the additional work, and EPA will specify in writing the basis for its determination that the additional

work is necessary. Within thirty (30) calendar days after the receipt of such determination, Respondent shall have the opportunity to meet or confer with EPA to discuss the additional work. If required by EPA, Respondent shall submit for EPA approval a work plan for the additional work. Such work plan shall be submitted within thirty (30) calendar days of receipt of EPA's determination that additional work is necessary, or according to an alternative schedule established by EPA. Upon approval of a work plan, Respondent shall implement such work plan in accordance with the schedule and provisions contained therein.

QUALITY ASSURANCE

115. Respondent shall follow the EPA Region 4 Environmental Investigations Standard Operating Procedures and Quality Assurance Manual, and other relevant EPA guidance for sampling and analysis. Work plans shall contain quality assurance/quality control and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved work plans must be approved by EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable report.

116. The names, addresses, and telephone numbers of all analytical laboratories that Respondent proposes to use must be specified in the applicable work plans.

117. All work plans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use(s).

118. Respondent shall monitor to ensure that high quality data are obtained by its consultants or contract laboratories. Respondent shall ensure that laboratories used by Respondent for analyses perform such analyses according to the latest approved edition of "Test Methods for Evaluating Solid Waste (SW-846)," or other methods deemed satisfactory to EPA. If methods other than EPA methods are to be used, Respondent shall specify all such methods in the applicable work plans. EPA may reject any data that do not meet the requirements of approved work plans or EPA analytical methods and may require resampling and additional analysis.

119. Respondent shall ensure that laboratories being used for analyses participate in a quality assurance/quality control program equivalent to that which is followed by EPA. EPA may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondent before, during, or after sample analyses. Upon request by EPA, Respondent shall have its laboratory perform analyses of samples provided by EPA to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control, resampling and additional analysis may be required.

SAMPLING AND DATA/DOCUMENT AVAILABILITY

120. Respondent shall submit to EPA the results of all sampling, tests, or other data generated by Respondent or its agents, consultants, or contractors pursuant to this Order.

121. Notwithstanding any other provisions of this Order, EPA retains all of its information gathering and inspection authorities and rights, including the right to bring enforcement actions related thereto, under RCRA, SDWA, CERCLA, and any other applicable statutes or regulations.

122. Respondent shall notify EPA in writing at least fourteen (14) calendar days before engaging in any field activities, such as well drilling, installation of equipment, or sampling. If Respondent believes it must commence emergency field activities without delay, Respondent may seek emergency telephone authorization from the EPA Project Coordinator or, if the EPA Project Coordinator is unavailable, his or her immediate supervisor, to commence such activities immediately. At the request of EPA, Respondent shall provide, or allow EPA or its authorized representative to take split or duplicate samples of all samples collected by Respondent pursuant to this Order. Similarly, at the request of Respondent, EPA shall allow Respondent or its authorized representative(s) to take split or duplicate samples of all samples collected by EPA under this Order.

123. Respondent may assert a confidentiality claim covering all or part of any information submitted to EPA pursuant to this Order. Any assertion of confidentiality must be accompanied by information that satisfies the items listed in 40 C.F.R. § 2.204(e)(4) or such claim shall be deemed waived. Information determined by EPA to be confidential shall be disclosed only to the extent permitted by 40 C.F.R. Part 2. If no such confidentiality claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to Respondent. EPA will not accept any confidentiality claim with regard to any physical or analytical data.

ACCESS

124. EPA, its contractors, employees, and/or any EPA representative(s) are authorized to enter and freely move about all property at the facility pursuant to this Order for the purposes of, inter alia, interviewing facility personnel and contractors; inspecting records, operating logs, and contracts related to the facility; reviewing the progress of the Respondent in carrying out the terms of this Order; conducting such tests, sampling, or monitoring as EPA or its Project Coordinators deem necessary; using a camera, sound recording, or other documentary type equipment; and verifying the reports and data submitted to EPA by the Respondent. Respondent shall provide EPA and its representatives access to the facility at all reasonable times and, subject to paragraph 130 below, to any other property to which access is required for implementation of this Order. Respondent shall permit such persons to inspect and copy all records, files,

photographs, documents, and other writings, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order and that are within the possession or under the control of Respondent or its contractors or consultants.

125. To the extent that work being performed pursuant to this Order must be done beyond the facility property boundary, Respondent shall use its best effort to obtain site access agreements necessary to complete work required by this Order from the present owner(s) of such property within thirty (30) calendar days of approval of any work plan for which site access is required. Best efforts as used in this paragraph shall include, at a minimum, a certified letter from Respondent to the present owner(s) of such property requesting access agreement(s) to permit Respondent and EPA and its authorized representatives access to such property, and the payment of reasonable sums of money in consideration of granting such access. Any such access agreements shall be incorporated by reference into this Order and shall provide for access by EPA and its representatives. Respondent shall ensure that EPA's Project Coordinators have a copy of any such access agreements. In the event that agreements for access are not obtained within thirty (30) calendar days of approval of any work plan for which access is required, or of the date that the need for access became known to Respondent, Respondent shall notify EPA in writing within ten (10) calendar days thereafter of both the efforts undertaken to obtain access and the failure to obtain such agreements. EPA may, at its discretion, assist Respondent in obtaining access. In the event EPA obtains access, Respondent shall undertake EPA-approved work on such property. The Respondent shall indemnify EPA as provided in paragraph 147 below for any and all claims arising from activities on such property.

126. Nothing in this section limits or otherwise affects EPA's right of access and entry pursuant to applicable law, including RCRA, SDWA, and CERCLA.

127. Nothing in this section shall be construed to limit or otherwise affect Respondent's liability and obligation to perform corrective measures including corrective measures beyond the facility boundary, notwithstanding the lack of access. In case of transfer or lease of any portion of the facility, Respondent shall retain a right of access to the extent required to fully implement the terms of this Order.

RECORD PRESERVATION

128. Respondent shall retain, during the pendency of this Order and for a minimum of six (6) years after its termination, all data, records, and documents now in its possession or control or which come into its possession or the possession of its divisions, officers, directors, employees, agents, contractors, successors, and assigns which relate in any way to this Order or to hazardous waste management and/or disposal at the facility. Subsequent to the termination of the aforementioned six (6) year period, Respondent shall provide written notification to EPA sixty (60) calendar days prior to the destruction of any data, records, or documents that relate in any way to this Order, its implementation, or to hazardous waste management practices and/or disposal at its facility. At EPA's request, Respondent shall then make such records available to

EPA for inspection and/or EPA's retention, or shall provide copies of any such records to EPA prior to discarding. Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to--

Jewell Grubbs, Chief
RCRA Enforcement and Compliance Branch
Waste Management Division
U.S. EPA, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

129. Within ten (10) calendar days of the effective date of this Order, or at the time of retaining or employing any agent, consultant, or contractor for the purpose of carrying out the terms of this Order, Respondent shall enter into an agreement with any such agents, consultants, or contractors whereby such agents, consultants, or contractors will be required to provide Respondent a copy of all documents produced pursuant to this Order.

130. All documents pertaining to this Order shall be stored in a designated area as determined by the Respondent in a centralized location to afford ease of access by EPA or its representatives.

131. All data, information, and records pertaining to, created for, or maintained by Respondent in connection with this Order shall be made available to EPA upon request. All employees of Respondent and all persons, including contractors and subcontractors, who engage in activity under this Order shall be made available to and shall cooperate with EPA if information is sought.

FAILURE TO COMPLY

132. Pursuant to Section 7003(b) of RCRA, 42 U.S.C. § 6973(b), in the event that Respondent willfully violates, or fails, or refuses to comply with any of the terms or provisions of this Order, EPA may commence a civil action in the U.S. District Court where Respondent is doing business to require compliance with this Order and to assess a civil penalty of up to \$5,500 per day under RCRA in which such violation occurs or such failure to comply continues. Respondent shall be deemed severally liable in any such action. Failure to perform any requirement of this Order shall be a violation of this Order, beginning on the first day that performance is scheduled to commence.

RESERVATION OF RIGHTS

133. EPA expressly reserves all rights and defenses that it may have, including the rights both to disapprove work performed by Respondent pursuant to this Order and to request that Respondent perform tasks in addition to those stated in the ORDER Section above.

134. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this Order, including without limitation the assessment of penalties under Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). This Order shall not be construed as a covenant not to sue, release, waive, or limit any rights, remedies, powers, and/or authorities, civil or criminal, which EPA has under RCRA, SDWA, CERCLA, or any other statutory, regulatory, or common law authority of the United States. Nothing in this Order shall diminish, impair, or otherwise adversely affect the authority of EPA to enforce the provisions of this Order.

* [135. This Order shall not limit or otherwise preclude EPA from taking additional enforcement action pursuant to the RCRA, or any other available legal authority, should EPA determine that such action is warranted and necessary to protect human health and the environment.

136. EPA reserves the right to perform any portion of the work set forth herein, or any additional site characterization, feasibility study, and/or remedial work as it deems necessary to protect human health and/or the environment.

137. If EPA determines that activities in compliance or noncompliance with this Order have caused or may cause a release of hazardous waste or hazardous constituents, or may pose a threat to human health and/or the environment, or if EPA determines that Respondent is not capable of undertaking any of the work ordered, EPA may order Respondent to stop further implementation of this Order for such period of time as EPA determines to be necessary to abate any such release or threat and/or to undertake any additional corrective measure.

138. Approval of any work plan does not constitute a warranty or representation that the work plans will achieve the required cleanup or performance standards. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligations to comply with RCRA, SDWA, CERCLA, or any other applicable local, State, or federal laws and regulations, including but not limited to its obligation to obtain and/or comply with any permit issued under RCRA or any other applicable local, State, or federal laws or regulations; nor is this Order intended to be, nor shall this Order be construed to be, a ruling or determination on, or of, any issue related to any local, State, or federal permit.

OTHER CLAIMS

139. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action, demand, or defense in law or equity against any person, firm, partnership, or corporation for any liability it may have arisen out of, or relating in any way to, the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken or migrating from the facility.

OTHER APPLICABLE LAWS

140. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, State, and federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations to perform work pursuant to this Order and shall submit timely applications and requests for any such permits and approvals.

INDEMNIFICATION

141. Respondent shall indemnify and save and hold harmless EPA, its agents, and employees from any and all claims or causes of action arising solely from, or on account of, acts or omissions of Respondent or its officers, employees, agents, independent contractors, receivers, trustees, and/or assigns in carrying out activities required by this Order. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of Respondent, EPA, or the United States under their various contracts.

SUBSEQUENT MODIFICATION

142. This Order may be amended by EPA to ensure protection of human health and the environment. Such an amendment shall be in writing, shall have as its effective date the date on which it is signed by EPA, and shall be incorporated into this Order.

SEVERABILITY

143. If any provision or authority of this Order, or the application of this Order to any party or circumstance, is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in force and shall not be affected thereby.

ACCESS TO ADMINISTRATIVE RECORD

144. The Administrative Record supporting this Order is available for review by Respondent and the public in two(2) locations. On normal business days between the hours of 9:00 a.m. and 5:00 p.m., the Administrative Record may be reviewed at EPA's Public Library located on the 9th Floor of the Sam Nunn Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia. During normal library operating hours, the Administrative Record may be reviewed at Peach Public Library, located at 315 Martin Luther King Jr., Drive, Fort Valley, Georgia. If additional information becomes available, EPA will amend the Administrative Record, if relevant and appropriate. To review the Administrative Record, located in Atlanta, Georgia, contact Jeffrey T. Pallas, Chief, South RCRA Enforcement and Compliance Section, EPA Region 4, at (404) 562-8569. To review the Administrative Record, located in Fort Valley, Georgia, contact Gilda Stanbery-Cotney, Director, Peach Public Libraries, at (912) 825-1640.

OPPORTUNITY TO CONFER WITH EPA

145. Respondent has the opportunity to confer informally with EPA concerning the terms and applicability of this Order. If Respondent desires a conference, Respondent must contact Mita Ghosh, Associate Regional Counsel, (404) 562-9568, and schedule such a conference within ten (10) calendar days of receipt of this Order. Any such conference with EPA will be held at the following location:

U.S. EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

146. If EPA determines that any element of this Order, including work to be performed or scheduled, warrants modification after a conference is held, EPA will modify the Order in writing. The modification will be effective on the date it is received by the Respondent. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge the Order, and does not give Respondent a right to seek review of this Order.

EFFECTIVE DATE OF ORDER

147. This Emergency Administrative Order shall be effective on the tenth (10th) calendar day after the Respondent receives a copy of the executed Order. If modifications are made by EPA to this Order, such modifications will be effective on the date received by Respondent. This Order shall remain in effect until the provisions identified in the Order have been met in accordance with EPA approval and all the RCRA regulations promulgated thereunder.

TERMINATION AND SATISFACTION

148. The provisions of this Order, with the exception of the Record Preservation section, shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order, including any additional tasks determined by EPA to be required pursuant to this Order or any continuing obligation or promises, have been satisfactorily completed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 4

Date: _____

8/27/99

By: _____

Richard D. Green
Director

Waste Management Division

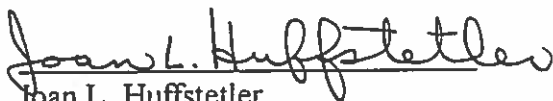
CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Emergency Administrative Order (Docket No. RCRA-4-99-011) to be served upon the person(s) designated below on the date below, by causing said copy to be deposited in the U.S. Mail, First Class (express mail certified, Return Receipt Requested, postage prepaid), at Atlanta, Georgia, in an envelope addressed to:

Mr. Jeff Carter, CEO
Star Laundry, Inc. (d/b/a Fabra Care)
999 Watson Boulevard
Warner Robins, Georgia 31093

I have further caused the original and one copy of said Order and the Certificate of Service to be filed with the Regional Hearing Clerk, United States Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960, on the date specified below.

Dated this 3rd day of September, 1999.



Joan L. Huffstetler
Office Automation Assistant